

CHAPTER 5

ARTICLE 22 – GANG MANAGEMENT

(Previously contained in Restricted DEPARTMENT OPERATIONS MANUAL [DOM], Section 55070)

Revised September 23, 2005

52070.1 POLICY

The California Department of Corrections and Rehabilitation (CDCR) prohibits individuals under its jurisdiction from any type of participation in gang activity and maintains a pro-active stance in the arena of gang suppression.

The CDCR provides inmates and parolees the opportunity to disassociate themselves from gangs and gang activities, making available to them programs consistent with their custody/supervision needs.

52070.2 PURPOSE

This section defines staff responsibilities and provides uniform procedures for the management of gangs.

52070.3 GANGS AND PUBLIC SAFETY

The CDCR has determined that gangs and their activities are a threat to the security of prisons and jails, and are a clear and present danger to public order and safety.

52070.4 HISTORICAL PERSPECTIVE

In 1956-57, the prison gang phenomenon began at the Deuel Vocational Institution when Hispanic inmates from East Los Angeles street gangs, predominantly the Maravilla area, joined together and formed the Mexican Mafia. Other prison gangs were subsequently formed along racial lines: The Black Family in 1966, changing its name to Black Guerrilla Family in 1971; the Nuestra Familia (Northern California Hispanics) in 1966-67; and, the Aryan Brotherhood (white) in 1968. Gang rivalry and warfare developed over control of criminal enterprises and non-gang involved individuals were victimized.

In 1971 the Department's Special Service Unit (SSU) joined with eight other criminal justice agencies/departments in the creation of the California Prison Gang Task Force.

Between January, 1975 and December, 1977, 195 prison gang related homicides were reported by the Prison Gang Task Force; 144 had been committed in the community and 51 had been committed in jails and prisons.

In 1978 the Department-wide gang intelligence and suppression program was initiated in response to the escalating prison gang violence. Endorsed by the Governor and approved by the Legislature, positions were created within the Institutions Division at the Correctional Lieutenant level, the Parole and Community Services Division at the Parole Agent II level, and the SSU at the Special Agent, Senior Special Agent, and subsequently authorized Special Agent-In-Charge (SAC) levels to combat the gang problem on a full-time basis. The Director assigned the Assistant Director, Law Enforcement and Investigation Unit (LEIU), (Manager of the SSU), to coordinate the task, both within the Department and with other criminal justice agencies.

In 1982, upon request of the California Gang Task Force, the Department assumed administrative responsibility for coordinating that organization. The Director delegated the responsibility to the SSU. Operationally, this was assigned to the Senior Special Agent, Gang Intelligence Operations.

52070.5 PHILOSOPHY

The preservation of public safety is the guiding principle of the criminal justice system in the State of California. The CDCR strongly endorses this basic principle.

The CDCR is mandated to control convicted offenders through institutional housing and parole supervision. In addition, the CDCR provides opportunities for offenders to take responsibility for their lives and improve their chances to become positive members of the community.

The CDCR has determined that prison gangs and disruptive groups, through their illegal activities, are a threat to the security of all institutions and camps. They are also a definite danger to public order and safety.

This article provides direction for implementing the CDCR's policy in the arena of gang management and suppression.

52070.6 GANG MANAGEMENT STRATEGY

The CDCR's gang management strategy shall be to identify gang affiliated inmates/parolees, track them, monitor their conduct, take interdiction action and apply sanctions when they are found to be involved in illicit or unlawful gang activity.

52070.6.1 DOCUMENT GANG INVOLVEMENT AND ACTIVITY

Staff shall document all allegations of inmate/parolee gang involvement and activity. The documentation shall be placed in the inmates'/parolees' central files and copies shall be routed to the gang investigators.

52070.6.1.1 ADMINISTRATIVE OFFICER OF THE DAY/REPORTING ACTIVITY OF GANG AFFILIATED INMATES

The Administrative Officer of the Day, Division of Adult Institutions (DAI), shall use the CDC Form 837 series, Crime/Incident Report, to report, monitor, and compile statistical data regarding the activity of gang affiliated inmates.

The CDC Form 837 series shall be accomplished and distributed per DOM Chapter 5, Article 3. Additionally, the accomplishing staff shall route to their institution's gang investigator a copy of all CDC Forms 837 which report gang involved incidents.

Accomplishing staff shall ascertain whether any inmate involved in an incident is identified as a gang affiliate. If so, Part A of the CDC Form 837 shall be marked "GANG INVOLVED" in the Exceptional Activity section. Also, each inmate's validated or suspected gang affiliation shall be listed on Part-B1 of the CDC Form 837.

Accomplishing staff shall ascertain whether an inmate is a validated gang affiliate by reviewing any pertinent documents in the inmate's central file to include, but not limited to, the CDC Form 812-A, Notice of Critical Information - Prison Gang Identification, and CDC Form 812-B, Notice of Critical Information - Disruptive Group Identification, which are contained in the central file.

52070.6.2 GANG IDENTIFICATION AND VALIDATION

Departmental regulations and procedures for identification of gang affiliates shall be uniformly applied. Each institution, parole region, and field office of the SSU shall assign gang investigators to identify gangs and gang involved individuals. The Chief, LEIU, shall have management responsibility for the validation of those inmates/parolees so identified by the gang investigators as outlined in this DOM Article.

52070.6.3 GANG ACTIVITY INTERDICTION

The gang investigators, under coordination of the Chief, LEIU, shall join with task forces comprised of local, state and federal law enforcement

personnel to track, monitor and interdict, within the framework of law, the illicit and unlawful behavior of gangs.

52070.6.4 GANG ACTIVITY SANCTIONS

Inmates/parolees found to be in violation of criminal or administrative statutes shall be dealt with in the strictest possible legal manner. For inmates, this shall include, but not be limited to, loss of privileges, increase in custody, loss of work credits, enhancement of penalties, segregation from the inmate general population and referral for criminal prosecution. For parolees, this shall include, but not be limited to, imposition of expanded special conditions of parole, increased levels of supervision, incarceration, referral to the Board of Prison Terms for revocation proceedings and referral for criminal prosecution.

52070.7 COOPERATION WITH OTHER CRIMINAL JUSTICE AGENCIES

Departmental gang investigators shall fully cooperate with investigators from other criminal justice agencies, on a need-to-know basis, regarding gang-involved investigations and information sharing.

Departmental gang investigators shall join and participate in local, regional, and statewide law enforcement task forces dedicated to gang intelligence sharing and gang activity suppression.

52070.8 ROLE AND AUTHORITY OF THE CHIEF, LEIU

The Chief, LEIU shall have management responsibility for SSU's Gang Intelligence Operations section and its gang investigators. Gang investigators shall be senior special agents, special agents, Correctional Lieutenants, and Correctional Sergeants assigned to the unit. The SSU gang investigators shall be selected by the Chief, LEIU.

52070.8.1 PRISON GANG DESIGNATIONS

The Chief, LEIU, shall determine when criminal groups have formed into actual prison gangs in accordance with the criteria established in this DOM Article.

52070.8.2 COORDINATE GANG PROGRAM

The Chief, LEIU, shall coordinate the CDCR's gang intelligence, identification, validation and suppression program and coordinate that program with other criminal justice agencies.

52070.8.3 CALIFORNIA GANG TASK FORCE RESPONSIBILITY

The Chief, LEIU, shall have management responsibility for meeting the administrative needs of the California Gang Task Force (CGTF).

52070.9 ROLE AND AUTHORITY OF WARDENS

Wardens shall have management responsibility for their respective gang investigators.

Each institution shall have a gang investigator, designated as an Institutional Gang Investigator (IGI) or investigative lieutenant. Gang investigators shall be Correctional Lieutenants. Gang investigators shall be selected by their Wardens.

Wardens shall ensure that gang involved or related occurrences and information are brought to the attention of appropriate personnel.

52070.10 ROLE AND AUTHORITY OF REGIONAL PAROLE ADMINISTRATORS (RPA)

RPAs shall have management responsibility for their respective gang investigators. Each parole region shall have a Regional Gang Investigator. Gang investigators shall be in the Parole Agent II classification. Gang investigators shall be selected by their RPAs.

RPAs shall ensure that gang involved or related occurrences and information are brought to the attention of appropriate personnel.

52070.11 ROLE AND AUTHORITY OF THE PAROLE OPERATIONS ADMINISTRATOR

The Parole Operations Administrator of the Division of Adult Parole Operations (DAPO) shall be responsible for developing and implementing the division's gang management procedures.

52070.11.1 GANG INVESTIGATOR FUNCTIONAL SUPERVISION

The Paroles Operations Administrator shall have functional supervision over the regional gang coordinators regarding the division's gang management procedures.

52070.11.2 GANG INVOLVED PAROLEE ARREST/INCIDENT NOTIFICATIONS

The Paroles Operations Administrator shall ensure that Gang Intelligence Operations is promptly notified of all arrests or incidents involving gang-affiliated parolees. The Operations Administrator shall maintain a close working relationship with the SAC, LEIU, and the Senior Special Agent, Gang Intelligence Operations, regarding gang management matters.

52070.12 ROLE AND AUTHORITY OF THE SAC, LEIU

The SAC, LEIU, Gang Intelligence Operations, or designee, shall have functional supervision of the Senior Special Agent, Gang Intelligence Operations and the IGIs, (as it relates to validations, debriefings, and gang investigations/intelligence). The SAC shall be apprised of all gang management matters affecting, or having a potential to affect, departmental policy or procedure.

52070.12.1 RELATIONSHIP WITH DAPO AND SSU

The SAC, LEIU, or designee, shall maintain a close working relationship with the DAPO, Administrator regarding gang management matters.

52070.12.2 GANG INVOLVED INMATE INCIDENT NOTIFICATIONS

The institution and paroles Gang Investigators shall ensure that Gang Intelligence Operations is promptly notified of all arrests or incidents involving gang affiliated inmates.

52070.13 ROLE AND AUTHORITY OF THE SENIOR SPECIAL AGENT, GANG INTELLIGENCE OPERATIONS, SSU

The Senior Special Agent shall report directly to the SAC, LEIU. The Senior Special Agent supervises the SSU Gang Intelligence Operations section which includes the SSU gang investigators (Special Agents), and the Correctional Lieutenants, Sergeants and ancillary staff of the Gang Intelligence Operations Debriefing Team. The Senior Special Agent shall maintain a close working relationship with the SAC, Chief Classification Services, and DAPO Administrator regarding gang management matters.

52070.13.1 GANG INVESTIGATOR FUNCTIONAL SUPERVISION RESPONSIBILITY

The SAC, LEIU shall have functional supervision over the Institutions Division and the DAPO gang investigators regarding investigation, identification, validation, monitoring and tracking of gang affiliates.

52070.13.2 RECEIVING AND DISSEMINATING INFORMATION

The SAC, LEIU, or designee, shall be the CDCR's main spokesperson regarding gang information and shall have primary responsibility for:

- Receiving, analyzing, coordinating and disseminating pertinent prison gang and disruptive group data to assist respective managers regarding security of institution and parole operations.
- The sharing of this information between the Institutions, DAPO, the departmental training center, and other criminal justice agencies at the local, state, and federal levels.
- Information potentially affecting the policies and/or procedures of the CDCR shall require authorization from the Chief, LEIU, or designee, prior to being disseminated.
- Prior to releasing any gang related documents to any court or attorney, either voluntarily or under subpoena, the CDCR's Legal Affairs Division (LAD) shall be contacted and informed of the request and the nature and contents of the documents requested/demanded. The LAD shall provide guidance for release. All documents released from the control of the LEIU shall have the approval of the Chief, LEIU, prior to release.

52070.13.3

PREPARING AND DISSEMINATING REPORTS

The SAC, LEIU or designee, shall be responsible for the preparation of charts, assessments, statistical reports and other material as required to provide an accurate portrayal of gang activity. The SAC, LEIU shall disseminate this information to Departmental and other criminal justice agency managers and gang investigators on a need-to-know basis as authorized by the Chief, LEIU.

52070.13.4

CALIFORNIA GANG TASK FORCE

The SAC, LEIU or designee shall serve as coordinator of the California Gang Task Force (CGTF). The CGTF is comprised of criminal justice agency personnel from numerous local, state, out-of-state and federal jurisdictions. As coordinator, the SAC, LEIU responsibilities include:

- Processing membership and guest applications.
- Maintaining records.
- Scheduling meetings at locations throughout the state.
- Chairing the two (2) day each month gang intelligence information-sharing meetings.
- Collecting, dispersing and maintaining meeting fees.
- Handling correspondence.
- Preparing and distributing a monthly summary of reported gang activity.
- Preparing statistical reports.

52070.13.5

GANG INVESTIGATOR MEETING

Prior to the CGTF meeting, the SAC, LEIU or designee, shall meet with all departmental gang investigators to ensure that the CDCR is represented at the CGTF meeting by a cohesive, organized group. Additionally, this meeting shall serve as a training session regarding gang identification, validation, etc., and shall provide an opportunity to exchange gang-intelligence information at the operational level.

52070.13.6

ASSISTANCE AND DATA REQUESTS

The Senior Special Agent shall be responsible for coordinating requests for gang activity data, training and investigative assistance received from departmental as well as other criminal justices agencies.

52070.14

GANG INVESTIGATOR SELECTION CRITERIA

To be eligible for selection by their respective managers, gang investigator candidates shall have the civil service positions of either

Special Agent/Senior Special Agent, Parole Agent II or Correctional Lieutenant and shall:

- Have a good working knowledge of prison gangs and disruptive groups.
- Be highly motivated to investigate organized criminal activity and gang affiliations.
- Be well organized, efficient and possess good interpersonal, communication and analytical skills.
- Have the necessary verbal skills to make presentations and conduct training regarding gangs to large audiences.

52070.15

ROLE AND RESPONSIBILITY OF GANG INVESTIGATORS

The Regional Parole Gang Investigators shall be directly responsible through their chains of command to their respective RPA or designee, and shall be functionally supervised by the Parole Operations Administrator and the SAC, LEIU.

The IGIs shall be directly responsible through their chains of command to their respective Wardens and shall be functionally supervised by the SAC, LEIU and the Senior Special Agent, Gang Intelligence Operations, SSU.

52070.15.1

OBTAIN AND SHARE INFORMATION

The gang investigators shall have the primary responsibility in their respective institution or region for collection of information in regard to gang affiliations or gang-related criminal activities. They shall collect information from various sources and transmit this information to their respective Wardens or RPAs, SAC, LEIU and to the Senior Special Agent without delay.

The gang investigators shall maintain a close working relationship with other staff. They shall collect, analyze and transmit any material or information of significance to their respective managers, SAC, LEIU and to the Senior Special Agent. They shall be responsible for documenting gang members and associates (and their visitors at respective institutions). They shall monitor new arrivals to their respective institutions or parole regions, particularly new commitments from and to Reception Centers. They shall identify and document inmates or parolees engaged in any gang activity. They shall maintain regular telephonic contact with other investigators, local law enforcement agencies and other appropriate individuals as necessary so as to provide an avenue for the exchange of information.

The gang investigators shall maintain regular telephonic contact with the Senior Special Agent and shall convey important data, including inmate/parolee gang-involved incidents or arrests, without delay. These telephonic contacts shall be followed up by necessary reports and/or documents. Wardens and RPAs, or their designees, shall be apprised of all information obtained by their respective investigators so that the information will reach appropriate personnel.

52070.15.2

PROVIDE TRAINING

The gang investigators shall provide training for CDCR personnel and personnel from other jurisdictions on matters related to gangs. Should assistance be necessary, the Senior Special Agent may be contacted.

52070.15.3

CLASSIFICATION RESOURCE

The gang investigators shall be a resource in the classification process in matters related to gangs.

52070.15.4

MEETINGS AND CONFERENCE CALLS

The gang investigators shall attend/participate in such meetings and telephone conference calls as are deemed necessary by the Chief, LEIU, in concurrence with their respective managers. These

meetings/conference calls shall be coordinated and supervised by the SAC, LEIU or the Senior Special Agent; for example, California Gang Task Force meetings, etc.

52070.15.5 INMATE/PAROLEE COOPERATION WITH OTHER JURISDICTIONS

Whenever a gang investigator becomes aware that a high notoriety inmate or parolee wishes to cooperate with the CDCR and/or other law enforcement agencies regarding a debriefing or other gang information, or if the matter is potentially complicated, the SAC, LEIU and the Senior Special Agent shall be notified. The Senior Special Agent, in concert with the SAC, LEIU, shall determine the debriefing process, etc. Thereafter, the respective manager shall be apprised of the debriefing or other information. All outside agency requests for debriefing shall be referred to the applicable investigator and/or the Senior Special Agent.

52070.15.6 PROVIDE EMERGENCY TELEPHONE NUMBER

All gang investigators shall provide their managers, SAC, and the Senior Special Agent with a telephone number where they can be reached after working hours in the event of an emergency.

52070.16 GANGS DEFINED

As referenced in CCR Section 3000, a gang is defined as any ongoing formal or informal organization, association or group of three (3) or more persons, which has a common name or identifying sign or symbol whose members and/or associates engage or have engaged on behalf of that organization, association or group in two or more illicit activities which include, but are not limited to, planning, organizing, threatening, financing, soliciting or committing unlawful acts or acts of misconduct classified as serious pursuant to CCR Section 3315.

52070.16.1 PRISON GANGS DEFINED

A prison gang is defined as any gang which originated and has its roots within the CDCR or any other custodial system.

52070.16.2 DISRUPTIVE GROUPS DEFINED

A disruptive group is defined as any gang, other than a prison gang.

52070.17 AUTHORIZED GANG INVESTIGATIONS

Only gangs and their affiliates specified in this DOM Article shall be investigated.

52070.17.1 PRISON GANG INVESTIGATIONS

Prison gangs, as designated by the Chief, LEIU, and their affiliates shall be investigated.

52070.17.2 DESIGNATED PRISON GANGS

- Aryan Brotherhood (AB).
- Black Guerrilla Family (BGF).
- Mexican Mafia (EME).
- Nazi Low Rider (NLR).
- Northern Structure (NS).
- Nuestra Familia (NF).
- Texas Syndicate (TS).

Recognized prison gangs shall be designated by the Chief, LEIU. The Chief, LEIU may amend the above list of identified prison gang(s) as necessary.

52070.17.3 DISRUPTIVE GROUP INVESTIGATIONS

Disruptive groups, and their affiliates, as recognized by the Chief, LEIU, the SAC, LEIU, the departmental managers, individual Wardens, institutional managers, and/or gang investigators, shall be investigated.

52070.17.4 RECOGNIZED DISRUPTIVE GROUPS

Disruptive groups include, but are not limited to:

- Precursor gangs that may become prison gangs.
- Street gangs.
- Revolutionary groups.
- Motorcycle gangs.
- Terrorist groups/affiliates.

52070.18 IDENTIFICATION OF GANG AFFILIATES

The identification of gang affiliates shall be accomplished by gang investigators in accordance with DOM, Chapter 6, Article 2, Case Considerations.

52070.18.1 DOCUMENTING GANG AFFILIATION ON A CDC FORM 812-A OR B

If, after the thorough investigation and documentation prescribed by DOM Chapter 6, Article 2, the gang investigator concludes the inmate/parolee is gang affiliated (active or inactive) or has had a change in gang status, the investigator shall complete either a CDC Form 812-A, Notice of Critical Case Information - Prison Gang Identification, or a CDC Form 812-B, Notice of Critical Case Information - Disruptive Group Identification. On the form, the gang investigator shall document the affiliation, category of involvement and the original, independent source items of information contained in the central file which were used to support the conclusion. The completed CDC Form 812-A/B shall be retained in the inmate's/parolee's central file and the inmate/parolee shall be given a copy. Current activity is defined as any documented gang activity within the past six (6) years consistent with CCR Section 3341.5(c)(5).

52070.18.2 DOCUMENTING GANG AFFILIATION ON A CDC FORM 128-B

The gang investigator shall also document in narrative fashion on a CDC Form 128-B, General Chrono, the inmate's/parolee's gang affiliation, category of involvement and specify each original, independent source item of information contained in the central file which was relied upon to support the conclusion. A CDC Form 128-B shall also be used to document insufficient evidence to support a conclusion of gang affiliation. Documentation shall begin with a definite conclusion of finding based upon the evidence. It shall not be inconclusive or equivocal. The completed CDC Form 128-B shall be retained in the inmate's/parolee's central file and the inmate/parolee shall be given a copy. The investigator shall also assure the inmate/parolee has received copies of all nonconfidential documents used in the validation. All confidential information used in the validation shall be disclosed to the inmate via CDC Form 1030, Confidential Information Disclosure Form. This documentation shall be disclosed to the inmate/parolee per the procedure defined in this DOM Article.

52070.18.2.1 EXAMPLE LANGUAGE FOR CDC FORM 128-B, RE: GANG AFFILIATION CONCLUSION

After a thorough review of the evidence, I have concluded that inmate/parolee John DOE, E-00000, is an associate (etc.) of the prison gang/disruptive group "X". This is supported by: (1) "Item"; (2) "Item"; etc.

52070.18.2.2

EXAMPLE LANGUAGE FOR CDC FORM 128-B, RE: A CONCLUSION OF NO GANG AFFILIATION

After a thorough review of the evidence, I have concluded there is no or insufficient information to support that inmate/parolee John DOE, D-00000, is affiliated with the/any prison gang/disruptive group "X". (Provide an explanation).

52070.18.2.3

VERIFICATION OF AN INMATE/PAROLEE'S GANG IDENTIFICATION

The verification of an inmate/parolee's gang identification shall be validated or rejected by the Chief, LEIU, or his/her designee.

52070.19

CATEGORY OF GANG INVOLVEMENT

The identification of the category of an inmate's/parolee's involvement within a gang shall be based upon the strength of the required documentation in the inmate's/parolee's central file, not upon multiple, same source documentation. Only the categories in this DOM Article shall be used to identify an inmate's/parolee's gang involvement.

52070.19.1

"DELETE" CATEGORY

"Delete" designates the inmate/parolee is no longer believed to have been an affiliate of a gang due to a lack of substantiation. This identification is used to remove an inmate/parolee from the gang data base.

52070.19.2

"MEMBER" CATEGORY

"Member" designates an inmate/parolee who has been accepted into membership by a gang. This identification requires at least three (3) original, independent source items of documentation indicative of actual membership. At least one (1) of the sources shall be a direct link to a validated member or associate or former member (dropout) identifying the inmate/parolee as a member. The source items shall meet the requirements established in CCR Section 3378.

52070.19.3

"ASSOCIATE" CATEGORY

"Associate" designates nongang members who are involved periodically or regularly with members or associates of a gang. This identification requires at least three (3) original, independent source items of documentation indicative of association with VALIDATED gang members and/or associates. At least one (1) of the sources shall be a direct link to a validated member/associate, such as: a validated member/associate or former member/associate (dropout). The source items shall meet the requirements established in CCR Section 3378.

52070.19.4

"INACTIVE" CATEGORY

An inmate housed in general population as a gang member or associate may be considered for "inactive" status when the inmate has had no documented gang activity for two (2) years. If the inmate paroled during this two year period, the parole time may be used in calculating the two (2) years. The "inactive" status can be changed back to (active) member/associate if the Department receives one (1) piece of evidence indicating the inmate has re-involved himself/herself with gang activity.

An inmate housed in SHU as a result of his/her gang member or associate status, may be considered for "inactive" status by the Departmental Review Board (DRB).

Consistent with normal reviews, the IGI shall conduct a review of the inmate's gang status. If it has been determined by the IGI that the inmate has had no gang activity for a period of six (6) years, the IGI shall submit a request to the SSU to change the inmate's status to "inactive". If the SSU concurs with the IGI'S recommended gang status

change, a new CDC Form 128B-2 shall be issued identifying the inmate as an "inactive" member/associate. Upon issuing a new CDC Form 128B-2 identifying the inmate as "inactive", the DRB shall be notified by the housing institution. At its convenience, but not to exceed 180 days, the DRB shall meet and consider the inmate for placement in a level IV, 180 design housing unit for a period of observation. At the DRB'S discretion, the inmate may be transferred to a level IV, 180 design institution.

If the inmate paroled from the SHU prior to his/her six (6) year IGI "inactive" review, and is then returned to CDCR custody on a parole violation or new term, the parole time will be taken into account for the total time. However, if the most recent source of activity used in the inmate's validation is less than six (6) years old, the inmate shall be returned to SHU placement until he/she has obtained a minimum of six (6) years without any documented gang activity.

The "inactive" status may be changed back to (active) member/associate if the Department receives one (1) piece of evidence indicating the inmate has reinvolved himself/herself with gang activity.

52070.19.5

"DROPOUT" CATEGORY

"Dropout" designates that the inmate/parolee was either a gang member or associate who has discontinued gang affiliation. This identification requires the inmate/parolee to have cooperated in, and successfully completed, the debriefing process as specified in this DOM Article, Sections 52070.20 through 52070.20.8.3.

52070.20

DEBRIEFING

Debriefing is the process by which an investigator determines whether an inmate/parolee (subject) has dropped out of a gang. A subject shall be debriefed only upon his or her request, although staff may ask a subject if he or she wants to debrief. Debriefing shall entail a two-step process that includes an interview phase and an observation phase.

52070.20.1

ROLE AND RESPONSIBILITY OF THE GANG INTELLIGENCE OPERATIONS, DEBRIEFING TEAM

The debriefing team is tasked with the responsibility of debriefing validated prison gang members desiring to disassociate themselves from the gang. The primary objective of the team shall be to debrief validated prison gang members housed in SHU. The team may be used to perform other functions at the discretion of the Chief, LEIU.

52070.20.2

DEBRIEFING OBJECTIVE AND PURPOSE

The objective of a debriefing is to learn enough about the subject and the subject's current gang to:

- Allow staff to reasonably conclude the subject has dropped out of that gang.
- Allow staff to separate the subject from identified active gang affiliates, protecting the subject from their retaliation.
- Allow staff to reclassify the subject regarding possible new custody, housing and assignment needs.
- A debriefing is not for the purpose of acquiring incriminating evidence against the subject.

52070.20.3

PRE-DEBRIEFING MIRANDA WARNING NOT GIVEN

A waiver of the Fifth Amendment right against self-incrimination is not a precondition of a subject undergoing debriefing. Subjects who undergo debriefings are not first given Miranda warnings with the express intent that any information provided shall be used administratively and not against them in a criminal proceeding.

Additionally, a pre-debriefing Miranda warning is not deemed necessary because:

- The subjects shall be debriefed only upon their request (staff may inquire if they want to debrief).
- Subjects shall not be required to complete their debriefing.
- Subjects may terminate their debriefing at any time.

52070.20.4 MIRANDA WARNING

If during a debriefing the subject begins to relate the commission of a serious, chargeable crime, the gang investigator may stop discussion about the matter and continue on with another topic. After debriefing completion, the gang investigator may Mirandize and question the subject about the crime.

A subject may provide information during the debriefing that indicates self-incriminating evidence about a crime. After debriefing completion, the gang investigator may Mirandize and question the subject about the crime.

52070.20.5 DEBRIEFING SUCCESS NOT DETERMINED BY INVOKING MIRANDA

If the subject then exercises the right not to incriminate him/herself, the exercise of that right shall not affect the determination of whether the subject successfully participated in the debriefing.

52070.20.6 REPORTING ALLEGED VIOLATIONS OF LAW OR REGULATION

Information obtained during a debriefing alleging an individual other than a peace officer, public official or public employee committed violations of law or regulations shall be documented in the debriefing report and shall be reported by the gang investigator who conducted or supervised the debriefing to the gang investigator of the institution or other agency having jurisdiction over where the violation occurred. The debriefing report shall identify the institution/agency and individual to whom the allegation was reported. The recipient IGI shall notify institution management per local procedure.

52070.20.7 REPORTING ALLEGED PUBLIC OFFICIAL VIOLATIONS OF LAW OR REGULATION

Information obtained during a debriefing alleging a peace officer, public official or public employee committed violations of law or regulation shall be immediately reported by the gang investigator who conducted or supervised the debriefing to their respective Warden or RPA. The gang investigator shall notify the affected agency(s) of the allegation(s). Such allegations shall be reported separately on a memorandum. If there is more than one (1) peace officer or other official, prepare a separate memorandum report on each person (unless they are alleged crime partners). The memorandum(s) shall:

- Be typed by a confidential employee.
- Not be entitled a "debriefing".
- Be marked "Confidential-Employee (or public official, etc.) Involved", as appropriate.
- Contain an assessment of the informant's reliability.
- Identify the agency and person notified of the allegation.
- Be signed or countersigned by the gang coordinator/investigator.

The gang investigator shall deliver copies of the memorandum(s) to management per local procedure. Additionally, copies shall be delivered to concerned departmental officials on a strict need-to-know basis and to the Senior Special Agent.

Copies of these memorandum(s) shall not be placed in the central file of the subject or any other inmate/parolee.

52070.20.8 DEBRIEFING REPORT

Information obtained during a debriefing, shall be documented on a confidential memorandum entitled a "debriefing report". The debriefing report shall be signed or countersigned by the gang investigator.

52070.20.8.1 CONFIDENTIAL DESIGNATION

Preceding the debriefing report narrative, the gang coordinator/investigator or their assistant shall document the need to designate the debriefing report as confidential, either from the subject, others or both. A confidential designation shall adhere to the CCR, Title 15 regarding confidential material. This encompasses information which, if known to the inmate/parolee (subject or others), would endanger the safety of any person or would jeopardize the security of an institution.

52070.20.8.1.1 CONFIDENTIAL FROM SUBJECT

A debriefing report may be designated as confidential from the subject when the subject has requested a confidential designation and the gang investigator has determined security would best be served by filing the report in the subject's confidential folder rather than another section of the central file.

If the debriefing report is designated confidential from the subject only per the subject's request, the subject shall review the debriefing report, initial each page of the report, and sign a declaration at the top of the first page, which reads: "I, _____, have read this report and attest that it accurately relates the information I provided. The only exception(s) appear on my attached written statement."

If there are no exceptions, the subject shall write the words "None" at the end of the declaration and initial.

If there are one (1) or more exceptions, the subject shall write them on a separate, signed statement. The gang investigator or their assistant shall attach this signed statement to the back of the debriefing report and indicate "see attached" on the report.

52070.20.8.2 RECAPITULATION OF GANG AFFILIATES

All persons reported by the subject as being an affiliate, including dropouts, of any gang, including those previously noted in the narrative, shall be documented on a list in alphabetical order. The list shall be at the end of the debriefing report.

If possible, the list shall contain each identified person's full name, moniker, CDCR number (or the words "NON-CDCR" and date of birth [DOB]), hometown/area, gang involvement (AB Assoc., NF Cat III, etc.) and CDCR location (institution, parole region, or discharged). The required information may be obtained from the debriefed subject or via OBIS and CLETS.

Only information referencing specific gang related association, participation, activities and/or conduct shall be considered for, or as, a source item for validating the inmate/parolee as a member/associate of a gang. The CDC Forms 812 and 812-C shall be updated as any critical information becomes known and is documented in the inmate/parolee's central file. The forms shall also be reviewed and updated at the time of any change in the inmate/parolee's status or placement.

52070.20.8.3 DEBRIEFING REPORT DISPOSITION

The gang investigator shall be responsible for having a copy of the debriefing report placed in the central file confidential folders of the subject (if appropriate) and all other inmates/parolees identified in the report. At the conclusion of the debriefing process and after the subject has initialed the pages, or provided any exceptions to the report as defined in this DOM Article, Section 52070.20.8.1.1, the investigator shall place, along with the copy of the debriefing report, a sealed envelope, which shall contain any and all original hand written

documents, letters, notes, or drawings provided by the subject during the course of the debrief. The investigator shall then have the sealed envelope placed into the subject's central file confidential folder. The investigator shall place a tracking sheet on the exterior of the sealed envelope to record the name, date, and purpose of any individual opening the envelope. The investigator may keep copies of the documents except for any document normally identified as a personal biographical history of the subject's gang activities.

The gang investigator shall immediately send a copy of the debriefing report to the Senior Special Agent.

The Senior Special Agent shall file the data for future retrieval and information needs. Additionally, the Senior Special Agent shall route copies of debriefing reports to all other gang coordinators/investigators for their confidential review.

The recipient gang investigators shall not duplicate, distribute, or copy the reports and shall return the reports to the Senior Special Agent by first-class mail for disposal.

52070.21

VALIDATION OF GANG AFFILIATES

"Validation" is the term used to describe the quality control review of gang affiliate identification. "Validation" is done to ensure that gang affiliate identifications are in compliance with departmental regulations.

52070.21.1

VALIDATION REQUEST BY GANG INVESTIGATOR

The gang investigator who verifies an inmate's/parolee's gang affiliation and category of involvement shall complete a Form Q, Gang Validation Worksheet (Exhibit "A"), a Form Q-1, Body Markings Diagram (Exhibit "B"), and a Form Q-2, Body Markings Photographs (Exhibit "C") on the inmate/parolee. The gang investigator shall attach to the completed Q series forms a copy of the coordinator's CDC Form 128-B memorandum with copies of the supporting documentation. This shall be known as a validation package.

Prior to submission of a validation package to the LEIU, or during the inactive review process, the subject of the investigation shall be interviewed by the IGI, or designee, and given an opportunity to be heard in regard to the source items used in the validation or inactive review. Inmates shall be given written notice at least 24 hours in advance of the interview. The interview may be held earlier if the inmate waives, in writing, the 24 hour preparation period. All source items referenced in the validation or inactive review shall be disclosed to the inmate at the time of notification. The inmate shall be given copies of all non-confidential documents unless otherwise requested in writing by the inmate. Confidential information used in the validation or inactive review shall be disclosed to the inmate via a CDC Form 1030, Confidential Information Disclosure Form. The interview shall be documented and include a record of the inmate's opinion on each of the source items used in the validation. Staff shall record this information and provide a written record to the inmate within fourteen (14) calendar days and prior to submission of the validation package to LEIU. The documented interview shall be submitted with the validation package or inactive review to the LEIU for consideration in the approval or rejection of the validation or in consideration of the inmate's continued current active or inactive status.

The inmate's mental health status and/or need for staff assistance shall be evaluated prior to interview. Staff assistance shall be assigned per guidelines set forth in CCR Section 3318.

The gang investigator shall forward the validation package to the Senior Special Agent, Gang Intelligence Operations, SSU, or designee to request validation.

52070.21.1.1

SECURITY OF Q SERIES FORMS BY GANG COORDINATOR/INVESTIGATOR

The Q series forms are work products that shall not be placed in the inmate's/parolee's central file. Further, disclosure of the category codes on the Form Q to inmates/parolees or unauthorized persons would adversely impact gang data base security, thereby jeopardizing the security of institutions and safety of individuals.

Note: The Q series forms (not filled out) are not considered RESTRICTED. However, once the Q series forms are used to record information regarding inmates/parolees, the forms shall then be classified as RESTRICTED.

52070.21.2

VALIDATION REVIEW BY SSU

Gang Intelligence Operations, SSU, shall promptly perform a quality control review of all validation packages received. If the inmate's/parolee's gang affiliation and category of involvement has been properly identified the identification shall be validated.

52070.21.3

VALIDATION ACTION BY SENIOR SPECIAL AGENT

The Senior Special Agent, or designee, shall promptly document the validation action on a CDC Form 128-B2. The original CDC Form 128-B2 shall be sent to the originating gang investigator for placement in the inmate's/parolee's central file and a copy shall be sent for transmittal to the inmate/parolee. No gang affiliation shall be considered validated until this process is completed. This paragraph shall not apply to validation actions completed prior to this manual section being placed into effect.

52070.21.4

VALIDATION REJECTION BY SENIOR SPECIAL AGENT

If the inmate/parolee has not been properly identified as a gang affiliate, the Senior Special Agent, or designee, shall promptly document on a CDC Form 128-B-2 that the identification does not meet current departmental standards for validation. The CDC Form 128-B2 shall direct that the erroneous CDC Forms 812-A/B and 128-B identifying the inmate/parolee as a gang affiliate be removed from the central file.

52070.21.4.1

CLASSIFICATION AND PAROLE REPRESENTATIVE (C&PR) OR RPA I (RECORDS OFFICE ADMINISTRATION) NOTIFICATION

The original memorandum shall be sent to the C&PR/RPA I (records office administration) of the originating institution/parole region for inclusion into the inmate's/parolee's central file and a copy shall be sent for transmittal to the inmate/parolee.

The C&PR/RPA I (records office administration) shall have the specified documents removed from the central file.

52070.21.4.2

GANG INVESTIGATOR NOTIFICATION

A copy of the memorandum shall be sent to the originating gang investigator. This copy shall cite the errors and/or deficiencies of the identification and shall contain suggestions about how to meet validation requirements. The validation package shall be returned to the originator along with a copy of the memorandum.

52070.21.5

C&PR RESPONSIBLE FOR MARKING VALIDATION DOCUMENTS

The C&PR shall be responsible for ensuring that each central file document identified and submitted as a source for gang validation is clearly and permanently marked according to its acceptance or rejection on the CDC Form 128B-2.

If the CDC Form 128B-2 identifies that the document was accepted as a source for validation, then the C&PR, or designee, shall mark the document with the statement; "This document meets the validation requirements established in CCR Section 3378."

If the CDC Form 128B-2 identifies that the document was rejected as a source for validation, then the C&PR, or designee, shall mark the document with the statement; "This document does not meet the validation requirements established in CCR Section 3378."

52070.22

INMATE/PAROLEE APPEALS OF GANG IDENTIFICATION AND/OR VALIDATION

Inmates/parolees may appeal their identified and/or validated gang affiliation and category of involvement pursuant to the CCR, Title 15 and the DOM.

52070.23

GANG DATA BASE

The restricted gang data base shall be maintained by the Gang Intelligence Operations Section, SSU. It shall contain the names and identifiers of CDCR inmates, parolees, dischargees, and others whose central files, or other gang files may contain documentation indicative of specified gang affiliation.

The gang data base shall be compiled from validated gang identification documents.

52070.23.1

GANG DATA BASE DISCLOSURE

Departmental gang investigators shall have direct access to the gang data base to assist them with identifying and tracking gang affiliates. Access may be by computer interface, floppy/CD diskette, or hard copy (printout).

When requested, departmental gang investigators may be issued a numbered gang data base diskette/CD and/or printout. The recipient shall be responsible for its security. The recipient shall be responsible for immediately returning the diskette or printout to the Senior Special Agent, Gang Intelligence Operations Section by first-class mail within three (3) days of vacating the gang investigator position or upon instruction of the Senior Special Agent. Newly assigned staff shall be issued their own numbered copies.

Gang Intelligence Operations staff and gang investigators shall verbally share gang data base information with departmental personnel and personnel from other criminal justice agencies providing:

- The information shall be for intelligence use only.
- The identity of the requestor is clearly established.
- The requestor has an official need to know.

Except as provided for in this DOM Article, the gang data base shall not be disclosed, duplicated or issued without authorization of the Chief, LEIU.

52070.24

CRITICAL CASE MANAGEMENT SYSTEM (CCMS) COMPUTER PROGRAM

The restricted CCMS (pronounced see-miss) computer program is designed for Departmental storage and retrieval of criminal intelligence information, including access to the SSU Gang Data Base and/or other gang records. Such access shall be by computer interface or floppy/CD diskette. CCMS shall be programmed not to print out any SSU gang records.

52070.24.1

CCMS MANAGEMENT RESPONSIBILITY

The Assistant Secretary, Enterprise Information Services (EIS), shall have management responsibility for CCMS computer program installation, maintenance, and modification. The Assistant Secretary, EIS shall coordinate with the Director, DAPO, the SAC, LEIU, and the Senior Special Agent of Gang Intelligence Operations, SSU, regarding CCMS matters.

52070.24.2

CCMS USE

CCMS shall only be used by the DAPO gang investigators and Investigative Services Unit personnel for the storage and retrieval of criminal intelligence file information.

52070.24.2.1

AUTHORIZED DATA STORAGE

Criminal intelligence files shall contain information only on the activities and associations of:

- Individuals who are suspected of being or having been involved in the actual or attempted planning, organizing, threatening, financing, or commission of criminal acts; or, are suspected of being or having been involved in criminal activities with known or suspected crime figures.
- Organizations, businesses and groups which are suspected of being or having been involved in the actual or attempted planning, organizing, threatening, financing or commission of criminal acts; or, are suspected of being or having been illegally operated, controlled, financed or infiltrated by known or suspected crime figures.

52070.24.2.2

UNAUTHORIZED DATA

Data excluded from criminal intelligence file storage includes material regarding religious, political or sexual information which does not relate to criminal conduct.

52070.24.3

CCMS SECURITY

Computers or computer terminals that have the CCMS program shall be restricted to DAPO, gang investigators, Investigative Service Unit personnel, and SSU personnel use only.

Inmates/parolees shall have no access to a computer or computer terminal that has the CCMS program.

The CCMS program shall be only on computers which are protected by a security system approved by the Assistant Secretary, EIS (i.e., Watchdog).

In the event of computer failure, the authorized user shall contact the local Associate Information Systems Analyst (AISA) or EIS for assistance. No computer shall be removed from its assigned station for repair or other reason unless the hard drive has been erased and reformatted either by magnet or system commands.

52070.25

GANG INFORMATION RESTRICTION

Except SSU and as otherwise provided for in DOM Chapter 6, Article 2 and this DOM Article, there shall be no departmental computer system or program, or other method of data storage, including written lists, which contains gang affiliation and/or gang intelligence information about individuals.

52070.26

CLASSIFICATION OF GANG AFFILIATED INMATES

Gang affiliated inmates shall be classified in accordance with the CCR, Title 15 and the DOM on the basis of documented individual behavior and case needs.

At the inmate/parolee's annual review any information or source items received/developed during the preceding year, which meets the validation requirements as defined in CCR Section 3378, shall be disclosed to the inmate/parolee on the CDC Form 812 A/B. The information need not be disclosed if it is part of an ongoing investigation or if disclosure would compromise an ongoing investigation. The inmate/parolee shall be interviewed regarding the information and a request shall be made to LEIU for an updated CDC Form 128B-2.

52070.27**TRANSFER CRITERIA FOR GANG AFFILIATED INMATES**

Gang affiliated inmates shall be transferred in accordance with the CCR, Title 15 and the DOM on the basis of documented individual behavior and case needs.

52070.28**VISITING PRIVILEGES FOR GANG AFFILIATED INMATES**

Gang affiliated inmates shall have visiting privileges in accordance with the CCR, Title 15 and the DOM on the basis of documented behavior and case needs.

52070.29**WORK ASSIGNMENTS FOR GANG AFFILIATED INMATES**

Gang affiliated inmates shall have work assignments in accordance with the CCR, Title 15 and the DOM on the basis of documented behavior and case needs.

52070.30**MAIL FOR GANG AFFILIATED INMATES**

Gang affiliated inmates may send and receive mail in accordance with the CCR, Title 15 and the DOM on the basis of documented individual behavior and case needs.

52070.31**TRAINING FOR STAFF**

Peace officer and ancillary staff shall receive training regarding prison gangs and disruptive groups.

52070.31.1**INITIAL PEACE OFFICER TRAINING**

Gang training shall be incorporated into the curriculum of the Correctional Officer and Parole Agent academies.

52070.31.2**PEACE OFFICER AND ANCILLARY TRAINING**

Peace officer and ancillary staff shall receive ongoing gang training within their respective institutions or regions.

52070.31.3**NEWLY ASSIGNED GANG INVESTIGATORS TRAINING**

Gang investigators shall receive orientation training as soon as possible within thirty (30) days of their assignment from the Senior Special Agent, or designee, Gang Intelligence Operations, SSU, and either the DAI, Chief of Investigative Services or the DAPO, RPA, or designee.

The Senior Special Agent shall arrange and coordinate the training. The instructor shall designate the training location.

52070.32**TRAINING FOR PERSONNEL FROM OTHER JURISDICTIONS**

The CDCR shall provide gang training, free of charge, for peace officers and non-sworn intelligence analysts from other jurisdictions.

52070.32.1**TRAINING CENTER GUEST STUDENTS**

Qualified personnel from other jurisdictions may attend regularly scheduled Correctional Officer Academy basic gang classes at the departmental training center as guest students on a space-available basis.

Space availability shall be ascertained by subtracting the number of departmental students in the class from the classroom's maximum occupancy rating.

The training center administrator shall transmit to the Senior Special Agent, Gang Intelligence Operations, SSU, the scheduled times and dates of gang classes and the number of guest student spaces available for each class.

The Senior Special Agent shall maintain a list of qualified guest student applicants and shall schedule them for the available spaces. Both the training center administrator and the applicants shall be notified in writing of the scheduling.

52070.32.1.1**GUEST STUDENT QUALIFICATIONS**

In order to qualify as a guest student, the applicant shall:

- Be a peace officer or non-sworn intelligence analyst.
- Be employed by a Department/agency which is a member of the California Gang Task Force.
- Obtain authorization to attend the class from the employing Department/agency, including arrangements for travel, lodging and meals (which shall not be provided by the training center).

52070.32.1.2**GUEST STUDENT APPLICATIONS**

Guest student applications shall be submitted to the Senior Special Agent for review and approval.

52070.32.2**TRAINING GIVEN ON-SITE AT OTHER JURISDICTIONS**

Other jurisdictions may request on-site gang training for sizeable groups of their peace officers and non-sworn intelligence analysts.

These requests may be directed to any departmental gang investigator. The gang investigators shall provide the requested training upon approval of local management.

The requests from other jurisdictions for on-site gang training shall be granted as often as possible, in keeping with the gang investigators work/training schedules.

Gang investigators may contact the Senior Special Agent for assistance regarding gang training, if necessary.

52070.33**REVISIONS**

The Chief, LEIU, shall ensure that the contents of this section are accurate and current.

52070.34**REFERENCES**

DOM, Chapter 5, Article 3; Chapter 6, Article 2.

CCR Sections 3023, 3340.1, 3341.5, 3375, 3375.3, and 3378.

Penal Code Sections 186.21, 186.22, 5054 and 5058.